
Introduced by Senator Machado

February 21, 2003

An act to amend Section 9184 of the Revenue and Taxation Code, relating to taxation.

LEGISLATIVE COUNSEL'S DIGEST

SB 670, as introduced, Machado. Sales and use taxes: refunds.

Existing law prohibits the Board of Equalization from imposing interest on the amount of an erroneous refund, if that refund was not caused by the person liable for the payment of tax or anyone related to that person, until 30 days after the date the board mails a notice of determination for repayment of the erroneous refund.

This bill would prohibit the board from imposing interest on those erroneous refunds until 60 days after the date the board mails a notice of determination for repayment.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 9184 of the Revenue and Taxation Code
2 is amended to read:
3 9184. (a) Notwithstanding any other provision of this part, if
4 the board finds that neither the person liable for payment of tax nor
5 any party related to that person has in any way caused an erroneous
6 refund for which an action for recovery is provided under Section
7 9181, no interest shall be imposed on the amount of that erroneous
8 refund until ~~30~~ 60 days after the date on which the board mails a
9 notice of determination for repayment of the erroneous refund to

- 1 the person. The act of filing a claim for refund shall not be
- 2 considered as causing the erroneous refund.
- 3 (b) This section shall be operative for any action for recovery
- 4 under Section 9181 on or after January 1, 2000.

